

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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NATHAN GARCIA HAINES,

Plaintiff,

v.

RESORT STAY INTERNATIONAL, et al.,

Defendants.

Case No. 2:23-cv-01286-MMD-EJY

ORDER

On August 17, 2023, Plaintiff, an inmate in the custody of Clark County Detention Center, filed a Complaint under 42 U.S.C. § 1983 (ECF Nos. 1-1, 1-2). Plaintiff, neither paid the \$402 filing fee for a civil action nor filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff may apply for *in forma pauperis* status, which would allow him to file his civil action without prepaying the \$402 filing fee if he submits **three** of the required documents to the Court. These documents include: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3), (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

Accordingly, IT IS HEREBY ORDERED that on or before **September 25, 2023**, Plaintiff must either pay the \$402 filing fee for a civil action or file with the Court: (1) a complete **Application to Proceed in Forma Pauperis for Inmate** on the Court's approved form; (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

IT IS FURTHER ORDERED that failure to either pay the \$402 filing fee or file a complete application to proceed *in forma pauperis* on or before **September 25, 2023**, will result in a recommendation to dismiss this action **without prejudice**. A dismissal without prejudice allows

1 Plaintiff to file his case with the Court, under a new case number, when he is able to comply with
2 LSR 2-1 and file a complete application to proceed *in forma pauperis* or pay the required filing fee.

3 IT IS FURTHER ORDERED that the Court will retain Plaintiff's Complaints (ECF Nos. 1-
4 1, 1-2), but will not file it at this time.

5 IT IS FURTHER ORDERED that the Clerk of the Court must send Plaintiff the approved
6 form application to proceed *in forma pauperis* for inmate along with the information and instructions
7 for filing the same.

8 Dated this 24th day of August, 2023.

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11 ELAYNA J. YOUCHAH
12 UNITED STATES MAGISTRATE JUDGE
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